

No. 2024-8699

**Official Order
of the
Texas Commissioner of Insurance**

Date: 6/25/2024

Subject Considered:

Kyler Amillion Simmons
Sherwood, AR 72120-3184

Default Order
SOAH Docket No. 454-24-05886
TDI Enforcement File No. 31776

General remarks and official action taken:

This is a default order taken against Kyler Amillion Simmons (Respondent) because he committed felony insurance fraud. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance (TDI) or appear at the hearing on the merits. This order revokes Respondent's license.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

1. On November 29, 2023, TDI filed a Notice of Hearing, attached as Exhibit A, together with a previously filed Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. TDI's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.
3. TDI sent the Notice of Hearing and Original Petition together to Respondent's last known mailing address provided in writing to the department, [REDACTED], [REDACTED], Sherwood, AR 72120-3184. The Notice of Hearing and Original Petition were

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also sent by electronic mail and to one additional address associated with the Respondent: [REDACTED], McKinney, TX 75096.

4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Failure to Appear at Hearing on the Merits

5. After receiving proper notice of the date, time, and location of the hearing on the merits, Respondent failed to appear for the hearing on May 16, 2024, as shown in the record in SOAH Docket No. 454-24-05886.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4001.105, 4005.101-4005.105, and 4101.051; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. TDI provided proper notice of the hearing under TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054; and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
4. Based on Respondent's failure to file a written response to the Notice of Hearing and failure to appear in person or by legal representative at the hearing, TDI is entitled to disposition by default under 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. TDI's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.89.

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Order

It is ordered that any licenses held by Kyler Amillion Simmons are revoked. A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFFBB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Nancy Williams, Staff Attorney
Enforcement

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Kyler Amillion Simmons
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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"My name is David Moreno and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning Kyler Amillion Simmons. I have confirmed that:

- a. The last mailing address provided to the department in writing by Kyler Amillion Simmons is [REDACTED], Sherwood, AR 72120-3184.
- b. The file maintained by Enforcement contains a Notice of Hearing, dated November 29, 2023, and an Original Petition dated November 28, 2023, which were filed together with the State Office of Administrative Hearings on November 29, 2023.
- c. On November 29, 2023, the Notice of Hearing and Original Petition addressed to Kyler Amillion Simmons were mailed certified, return receipt requested, to his last known address and to one additional address: [REDACTED], McKinney, TX 75069.

Copies of the first-class mail log and certified mail log maintained by Enforcement are attached as Exhibit C and D, respectively."

DocuSigned by:
David Moreno
D9190DEFC49149F...
Affiant

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 5/20/2024. This notarial act was an online notarization.

Notary Seal



Digital Certificate

Roxanne Rodriguez
Notary Public State of Texas

FILED **2024-8699**
454-24-05886
11/29/2023 8:46 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Matilda Salas, CLERK

ACCEPTED
454-24-05886
11/29/2023 8:48:15 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Matilda Salas, CLERK

SOAH DOCKET NO. 454-24-05886.C
TDI ENFORCEMENT FILE NO. 31776

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

KYLER AMILLION SIMMONS,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

The Texas Department of Insurance (TDI) seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by TDI.

A public hearing will be held before an Administrative Law Judge on **May 16, 2024, at 9 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

The hearing shall be conducted under TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

EXHIBIT

A

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Notice of Hearing

Kyler Amillion Simmons

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IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) *(by mail, fax, or electronically)*
Docketing Division
State Office of Administrative Hearings
300 West 15th Street, Room 504
P.O. Box 13025
Austin, Texas 78711-3025
(512) 322-2061 (Fax);
www.soah.texas.gov
- (2) *(by mail, fax, or email)*
Chief Clerk
Texas Department of Insurance
P.O. Box 12030, MC GC-CCO
Austin, Texas 78711-2030
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) *(by mail, fax, or email)*
Nancy Williams, Staff Attorney

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Notice of Hearing

Kyler Amillion Simmons

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Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
nancy.williams@tdi.texas.gov

Receiving Documents Electronically and Filing Documents with SOAH

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: www.soah.texas.gov.

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents or exhibits with SOAH. Instructions on how to file documents and exhibits are on SOAH's website. SOAH's website also includes guidance for representing yourself.

Important Security Notice (for In-Person Hearings ONLY)

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

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If you have any questions, please contact me at the address or telephone number shown below.

Respectfully Submitted,



Nancy Williams
State Bar No. 24058175
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6338 (Direct)
(512) 490-1020 (Fax)
nancy.williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC ENF
Whitney Fraser, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

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CERTIFICATE OF SERVICE

I, Nancy Williams, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by regular, first-class mail and by certified mail, return receipt requested, on November 29, 2023 to:

Kyler Amillion Simmons
[REDACTED]
Sherwood, AR 72120-3184

Via CM/RRR No.:
9214 8901 9403 8340 1863 67
Via Email: [REDACTED]

[REDACTED]
McKinney, TX 75069

Via CM/RRR No.:
9214 8901 9403 8340 1864 04

Respondent Pro Se



Nancy Williams

FILED
454-24-05886 **2024-8699**
11/28/2023 10:30 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH Docket No. 454-24-05886

ACCEPTED
454-24-05886
11/28/2023 10:35:05 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH DOCKET NO. 454-_____
TDI ENFORCEMENT FILE NO. 31776

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

KYLER AMILLION SIMMONS,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

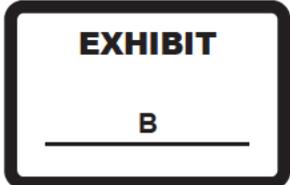
The Texas Department of Insurance (TDI) seeks to take disciplinary action against Kyler Amillion Simmons. In support of this petition, TDI makes the following allegations upon information and belief:

Jurisdiction

The commissioner of insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4101.051; 28 TEX. ADMIN. CODE § 1.502; TEX. OCC. CODE §§ 53.021-53.023; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Kyler Amillion Simmons (Simmons) holds an adjuster all lines license issued on January 13, 2022.
2. Simmons's application for licensure, submitted January 12, 2022, stated that his resident address was in Texas, making him eligible for a Texas resident license.
3. Sometime in early 2022, Simmons was charged with three felony counts in Pulaski County, Arkansas for crimes committed on January 24, 2022.
 - a. *Forgery in the second degree*, to wit: insurance lost wage forms belonging to Leonard Jones.



- b. *Criminal attempt-theft of property*, to wit: engaged in conduct intended to deprive the owner, GEICO, of more than \$5,000 but less than \$25,000.
 - c. *Fraudulent insurance act*, to wit: submitting false information to an insurance company for payment of a claim.
4. On May 24, 2022, Simmons signed his bail bond form, indicating that he lived in Arkansas.
 5. On or about January 1, 2023, Simmons was convicted of committing a fraudulent insurance act, a felony offense, and was sentenced to a probation term of 18 months in Pulaski County, Arkansas, in case number 60CR-22-2624.
 6. On March 23, 2023, TDI sent a letter to Simmons's address of record, requesting information related to the criminal activity. No response was received.

Legal Allegations

1. Simmons committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101(b), including license revocation as contemplated by TEX. INS. CODE § 82.051.
2. Simmons engaged in a fraudulent and dishonest act, in violation of TEX. INS. CODE § 4005.101(b)(5).
3. Simmons was convicted of a felony, in violation of TEX. INS. CODE § 4005.101(b)(8).
4. Simmons failed to notify TDI of his felony criminal conviction as required under TEX. INS. CODE § 4001.252(a)(2).
5. Simmons was convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation as contemplated under TEX. OCC. CODE § 53.021(a)(1).
6. Simmons committed a crime TDI considers to be of such serious nature that it is of prime importance in determining fitness for licensure, as contemplated under TEX. ADMIN. CODE § 1.502(e)(1)¹.

¹ Using the applicable version prior to the September 26, 2023 legislative changes.

7. Simmons failed to maintain the qualifications necessary to obtain his license in violation of TEX. INS. CODE § 4001.254, or alternatively, Simmons provided false information on his license application in violation of TEX. INS. CODE § 4005.101 (b)(2)&(3).

Relief Sought

If one or more of the above allegations is found to be true, TDI asks the Administrative Law Judge to enter a Proposal for Decision recommending that the commissioner of insurance issue an order:

1. revoking Kyler Amillion Simmon's license, and
2. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,



Nancy Williams
State Bar No. 24058175
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6338 (Direct)
(512) 490-1020 (Fax)
nancy.williams@tdi.texas.gov

ATTORNEY FOR THE PETITIONER
TEXAS DEPARTMENT OF INSURANCE

2024-8699

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Nancy Williams
Bar No. 24058175
Enforcementgeneral@tdi.texas.gov
Envelope ID: 81994691
Filing Code Description: Request to Docket
Filing Description: Simmons RTD
Status as of 11/28/2023 10:38 AM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	11/28/2023 10:30:58 AM	SENT

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Nancy Williams		Nancy.Williams@tdi.texas.gov	11/28/2023 10:30:58 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	11/28/2023 10:30:58 AM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	11/28/2023 10:30:58 AM	SENT

Associated Case Party: Kyler Amillion Simmons

Name	BarNumber	Email	TimestampSubmitted	Status
Kyler Amillion Simmons		[REDACTED]	11/28/2023 10:30:58 AM	SENT

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Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Nancy Williams
Bar No. 24058175
Enforcementgeneral@tdi.texas.gov
Envelope ID: 82036397
Filing Code Description: Notice of Hearing
Filing Description: Notice of Hearing and Original Petition
Status as of 11/29/2023 8:49 AM CST

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	11/29/2023 8:46:08 AM	SENT
Nancy Williams		Nancy.Williams@tdi.texas.gov	11/29/2023 8:46:08 AM	SENT
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	11/29/2023 8:46:08 AM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	11/29/2023 8:46:08 AM	SENT
Jodie Delgado		jodie.delgado@tdi.texas.gov	11/29/2023 8:46:08 AM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	11/29/2023 8:46:08 AM	SENT

Associated Case Party: Kyler Amillion Simmons

Name	BarNumber	Email	TimestampSubmitted	Status
Kyler Amillion Simmons		[REDACTED]	11/29/2023 8:46:08 AM	SENT

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Shipment Confirmation Acceptance Notice

A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 11/29/2023

Shipped From:

Name: MC ENF M RUIZ

Address: 1601 CONGRESS AVENUE SUITE 6 900

City: AUSTIN

State: TX ZIP+4® 78711

Type of Mail	Volume
Priority Mail Express®*	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	2
Total	2

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0048 7936 97

WILLIMAS/31776

